

REMARKS

Claims 1-31 are pending in the present application. Claims 1, 10, 11, 20 and 21 are independent claims. Applicants respectfully request the Examiner to enter the above amendments and reconsider the application based on the amendments and the following comments.

35 U.S.C. 101 Rejections

Claims 11-20 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants amend Claim 11 herein to add the element of storing the incoming communication in the memory of the wireless device. This element adds a structural relationship to the claim, and therefore Applicants submit all claims now meet the requirements of 35 U.S.C. § 101.

35 U.S.C. 103(a) Rejections

Claims 1-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Publication No. 2003/0112952 (“Brown”) in view of U.S. Patent No. 7,003,327 issued to Payne et al. The rejection asserts that Brown allegedly teaches each element of the claims except for the processor being located at the wireless device, which are allegedly taught by Payne.

Brown is directed to a method of merely establishing a telephone connection between a subscriber and a party based on one or more “criteria”. Brown teaches that a subscriber may indicate to a telecommunication system a desire to contact a given party which may or may not be available. The telecommunication system selects a called party based on the provided criteria, and establishes the connection between the called and calling parties when the parties become available.

Brown does not disclose responsive action based on classification

This argument was submitted in the previous office action response, and the current rejection does not consider this argument. The Examiner generally reads the claimed “classify” step on classifier 524 of Figure 5, and the claimed “perform a predetermined response” step on paragraphs [0093]-[0098], generally. Brown mentions the classifier 524 in only one section, where Brown states:

Classifier 524 may classify parties requesting access to a subscriber data page according to their identities, methods of access, and so on. Classifier may also classify or categorize subscriber data as it is received or stored.

(See Paragraph [0153] of Brown)

Thus, the classifier 524 performs party or subscriber classifications. Now turning to paragraphs [0093]-[0098] of Brown, Applicant cannot find any mention of using the classification performed by classifier 524 as triggering any type of responsive action (or used in any other way). For example, in [0094] Brown states “[i]n one embodiment of the invention, a subscriber may choose to accept only calls placed through the system (as opposed to direct calls from a caller)”. However, classifier 524 performs party classifications, whereas the above noted embodiment is a system or non-system triggered event (i.e., not a party classification triggered event).

Accordingly, Applicant respectfully submits that if the Examiner reads the claimed “classify” step on classifier 524 of Brown, then Brown cannot disclose or suggest “perform a predetermined response ... based upon [the] classification” as recited in independent claims 1, 10, 11, 20 and 21.

As such, claims 2-9, 12-19 and 22-29, dependent upon independent claims 1, 11 and 21, respectively, are likewise allowable over Brown at least for the reasons given above with respect to independent claims 1, 11 and 21.

Call handling protocols are not performed at the subscriber

Brown does not perform any call handling protocols at the wireless device. The office action attempts to correct for this by citing to Payne. However, Payne is directed to receiving a message at a wireless device and then performing an action based on that message. In Payne, that action is to identify and strip out contact identifiers (telephone numbers, URLs, etc) which may then be presented to the user for action. This is simply an example of the wireless device performing a function, and certainly does not relate to call handling functions. The office action states that one is motivated to combine Payne with Brown “in order to provide an automatic predetermined response to improve the call handling ability based upon classification and identification of the incoming call at a wireless device.” (*office action*, page 5). However, the office action relies on column 13, lines 22-33 of Payne for this interpretation. This portion of Payne reads as follows:

The advantages of the invention are numerous. Different embodiments or implementations may yield one or more of the following advantages. One advantage of the invention is that users can be alerted to the presence of contact identifiers belonging to predetermined classes. Another advantage of the invention is that users are able to utilize encountered contact identifiers to perform class specific or user-specified tasks. Still another potential advantage of the invention is that the user interaction with the user interface may be made more efficient. Yet another advantage of the invention is that users may retrieve remotely held resources containing encountered contact identifiers.

Nowhere in that paragraph, or anywhere else in Payne, is the concept of improving the call handling ability mentioned, or even eluded to the concept. Payne is simply teaching presenting contact identifiers to the user to have for later actions. Nothing in this paragraph, or in any part of Payne, talks about improving call handling ability. Only the present invention teaches implementing limitations *at the wireless device* such as “classify the attempted incoming communication connection using identifying information of the attempted incoming

communication connection” and “perform a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection” as recited in independent claim 1 and similarly recited in independent claims 10, 11, 20 and 21. There is nothing taught in Payne that would motivate one to combine Payne with Brown to make the present invention. Further, even if these references are combined, there would be nothing to even hint at performing the call handling protocols at the subscriber. Simply showing a wireless device with a processor that performs functions does not meet this burden.

As such, claims 2-9, 12-19 and 22-29, dependent upon independent claims 1, 11 and 21, respectively, are likewise allowable over Brown at least for the reasons given above with respect to independent claims 1, 11 and 21.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated September 15, 2008

:

By: /James T. Hagler/

James T. Hagler
Reg. No. 40,631
(858) 651-0266

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502